

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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|--------------------------------------|---|---------------------------|
| THEODORE BRISCOE, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:20-cv-02912-JPH-MPB |
| |) | |
| ARNOLD P. BARATZ Deputy P.D., 27619, |) | |
| KIMBERLY SEXTON Marion Co. |) | |
| Prosecutor, |) | |
| MATTHEW MINNIS Officer, 40190 IMPD, |) | |
| CRAIG SOLOMAN Officer 31735, IMPD, |) | |
| BRIAN WILLS Officer, |) | |
| LINDA BAILEY Officer (crime lab), |) | |
| |) | |
| Defendants. |) | |

ENTRY DISCUSSING FILING FEE

Plaintiff, Theodore Briscoe Jr., has not paid the \$400 filing fee prescribed by Congress. See 28 U.S.C. § 1914(a). He also appears to have "struck out" under 28 U.S.C. § 1915(g). That statute "prohibits a prisoner from proceeding [in forma pauperis] if, on three or more occasions during his imprisonment, he has 'brought an action . . . that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted.'" *Turley v. Gaetz*, 625 F.3d 1005, 1006 (7th Cir. 2010). The "sole statutory exception" is if "the prisoner is under imminent danger of serious physical injury." *Id.* Mr. Briscoe has not alleged imminent danger, and he has had three prior cases dismissed for failure to state a claim.

- 1) *Briscoe v. Pretorius, et al.*, No. 1:18-cv-04070-JPH-TAB (S.D. Ind. July 16, 2019) (dismissing action for failure to state a claim);

2) *Briscoe v. Indianapolis Metro. Police Dept., et al.*, No. 1:18-cv-03867-TWP-DLP (S.D. Ind. Apr. 22, 2019) (dismissing action for failure to state a claim);

3) *Briscoe v. Sexton, et al.*, No. 1:18-cv-00255-WTL-DLP (S.D. Ind. Mar. 22, 2018) (dismissing action for failure to state a claim).

Mr. Briscoe shall have through **December 28, 2020** to pay the \$400 filing fee to the clerk of the district court. Failure to do so will result in dismissal of this action without further notice.

SO ORDERED.

Date: 12/1/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

THEODORE BRISCOE, JR.
980988

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